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GOVERNMENT OF ARUNACHAL PRADESH
HOME DEPARTMENT
ARUNACHAL PRADESH, CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 11th November, 2024

No.HOME-12050/5/2022 : In exercise of the powers conferred by Section 396 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and in supersession of the Arunachal Pradesh Victim Compensation Scheme, 2011, except as respect to things done or omitted to be done before such supersession and in compliance with the Hon'ble Supreme Court order dated 17th July, 2018 passed in W.P.(C) No.754 of 2016 titled Tehseen Poonawalla Vs Union of India, the Governor of Arunachal Pradesh is pleased to make the following scheme for regulating the payment of the compensation to the victim or his/her dependents, who have suffered loss or injury as a result of any crime specified in this scheme and who require rehabilitation.

1. TITLE :

This Scheme may be called the "Arunachal Pradesh Victim Compensation Scheme, 2024".

2. COMMENCEMENT:

It shall come into force on the date of its publication in the official Gazette.

3. DEFINITIONS :

In this Scheme, unless the context otherwise requires:

- (a) "**Act**" or "**BNSS**" means the Bharatiya Nagarik Suraksha Sanhita, 2023.
- (b) "**Schedule**" means Schedule appended to this Scheme.
- (c) "**State**" means State of Arunachal Pradesh.
- (d) "**Department**" means the Home Department of Government of Arunachal Pradesh.
- (e) "**State Legal Services Authority**" or "**SLSA**" means the Arunachal Pradesh State Legal Services Authority.
- (f) "**District Legal Services Authority**" or "**DLSA**" means District Legal Services Authority of Arunachal Pradesh.
- (g) "**Victim**" means any person who has suffered loss or physical or mental injury as a result of any crime specified in the Schedule appended to this Scheme and requires rehabilitation.
- (h) "**Dependent**" means and includes those who at the time of the deceased's death is either a spouse or a natural parent or a child or any other relative, as determined by the State legal Services Authority/District Legal Services, as the case may be, on the basis of the report of Sub-Divisional Magistrate or equivalent of the concerned area/ Station House Officer/ Investigating officer or on the basis of material placed on record by the dependents by way of affidavit or on its own enquiry.
- (i) "**Fund**" means the Victim Compensation Fund constituted under Section 4 of the Scheme.
- (j) "**Annexure**" means Annexures appended to the Scheme as applicable to this Chapter.

4. CONSTITUTION OF THE ARUNACHAL PRADESH VICTIM COMPENSATION FUND :

- (1) There shall be constituted a Fund, namely, the Arunachal Pradesh Victim Compensation Fund from which amount of compensation under this Scheme, shall be paid to the victim or his/her dependents who have suffered loss or injury as a result of a crime and who require rehabilitation as a result of the crime.
- (2). The 'Arunachal Pradesh Victim Compensation Fund' shall comprise of the following:
 - (a) Budgetary allocation in the shape of Grants-in-aid to APSLSA for which necessary provision shall be made in the Annual Budget by the Government;

- (b) Grants from the Central Government or any local authority;
 - (c) Receipt of amount of fines imposed (under section 395 of the Bharatiya Nagarik Suraksha Sanhita, 2023) and ordered to be deposited by the courts in the Arunachal Victim Compensation Fund Scheme;
 - (d) Amount of compensation recovered from the wrongdoer/ accused under the provisions of this scheme.
- (3). The said Fund shall be operated by the Member Secretary, Arunachal Pradesh State Legal Services Authority, and she/he will place the funds at the disposal of District Legal Services Authorities to defray the funds to the victims or its dependents as per requirement from time to time.
- (4). The Home Department shall be the Nodal Department for regulating and monitoring the said Scheme.
- (5). The State Legal Services Authority shall furnish periodical returns of account including Utilisation Certificate of the Funds distributed to the victims, to the Nodal Department.
- (6). The accounts of the DLSA and SLSA shall be audited by the Accountant General of Arunachal Pradesh.
- (7). All amounts shall be paid through bank transfers only. Cash payments of any amount shall not be made from the fund at any level.

5. ELIGIBILITY FOR COMPENSATION :

The victim or her/his dependent satisfying the following criteria shall be eligible for the receipt of the compensation as follows:

- (1) He/She should not have been in receipt of any compensation for such loss or injury from any Government authorities or from any other scheme of the Central or the State Government. The applicant or his/her dependents claiming the compensation shall file a declaration to that effect along with the application form as set out in Annexure-1 and 2.
- (2) The loss or injury sustained by the victim or his dependents should have caused substantial loss to the income of the family making it difficult to make both ends meet without the financial aid or has to spend beyond his means on medical treatment of mental/physical injury and a recommendation is made by Court for compensation thereof.
- (3) Where the offender of the crime is untraceable or cannot be identified, but the victim is identifiable, the victim or his/her dependents may make an application to the DLSA or SLSA, as the case may be, for award of compensation under sub- section(4) of section 396 of the BNSS Act of 2023.
- (4) Where the trial court at the conclusion of the trial is satisfied that the compensation awarded under section 395 of the BNSS,2023 Act is not adequate for rehabilitation, or where the case ends in acquittal or discharge and the victim is to be rehabilitated and has therefore recommended a higher compensation.

6. FACTORS TO BE CONSIDERED WHILE AWARDING COMPENSATION :

While (deciding a matter,) the State Legal Services Authority/ District Legal Services Authority, as the case may be, shall take into consideration the following factors relating to the loss or injury suffered by the victim:

- (1) Gravity of the offence and severity of mental or physical harm or injury suffered by victim.
- (2) Expenditure incurred or likely to be incurred on the medical treatment for physical and/or mental health including counselling of the victim.
- (3) Loss of educational opportunity as a consequence of the offence, including absence from school/ college due to mental trauma, bodily injury, medical treatment, investigation and trial of offence.
- (4) Loss of employment as a result of the offence.
- (5) Whether the abuse was a single isolated incident or whether the abuse took place over a period of time.
- (6) Any disability suffered by the victim as a result of the offence and the nature and extent of both.
- (7) Financial condition of the victim against whom the offence has been committed so as to determine her/his need for rehabilitation or
- (8) Any other factor which the DLSA or SLSA may consider just and sufficient.

7. GROUNDS FOR DECLINING THE COMPENSATION :

The SLSA or DLSA, as the case may be, may decline the compensation giving adequate reasons reduced in writing.

8. PROCEDURE FOR GRANT OF COMPENSATION :

- (1) Wherever a recommendation is made by the court for compensation under sub sections (2) and (3) of Section 396 of the BNSS Act, 2023 or after an FIR is filed, the victim or his/her dependent(s) may apply for compensation in the specified format as at Annexure-1 to the area Superintendent of Police or the Judicial Magistrate along with the supporting documents mentioned in Annexure-2, who shall on receipt of such application forward the same to the District Legal Services Authority.

- (2) On such application made by any victim of his/her dependents under sub-section (4) of Section 396 of BNSS,2023, the DLSA shall examine the case and get verified the contents of the claim with regard to such assessment of such loss or injury caused to the claimant by a competent Medical Board constituted for the purpose and it may also call for any other relevant documents and records as deemed necessary for consideration of the claim from the concerned authority. On being satisfied after due inquiry, the DLSA will submit its recommendations for compensation to the State Legal Services Authority.
- (3) The Medical Board as referred in clause 8(2) of this Scheme, shall be constituted by the District Medical Oficer on the requisition of District legal Services Authority and shall atleast consist of not less than two Medical Officers possessing special knowledge in the subject.
- (4) The application so received by the District Legal Services Authority will be duly examined and forwarded to the State Legal Services Authority with its recommendations within a period of 30 (thirty) days or which may be liable to be extended in case of extreme necessity.
- (5) The District Legal Services Authority may in urgent and extreme pressing need of the hour in order to alleviate the suffering of the victim, order for immediate first aid facility or medical benefit to be made available free of cost or any other interim relief as deemed appropriate, on the certificate of the Police Officer not below the rank of Superintendent of Police, provided that the interim relief so granted shall not be beyond the maximum limit of compensation under Schedule-I of this Scheme, as it deems from its own resources, which shall be deducted from the final amount of compensation to be awarded by the State Legal Services Authority.
- (6) The amount of compensation shall be decided by the State Legal Services Authority based on standard criteria given in Schedule-I within a period of 30 (thirty) days from receipt of application of the victim/dependent(s) forwarded by DLSA, or which may be liable to be extended in case of extreme necessity.
- (7) Enhanced compensation if required on the recommendations of the trial courts may be awarded at the end of the trial for which the State Legal Services Authority may initiate actions accordingly.

9. MODE OF PAYMENT :

- (1) The amount of compensation as decided by the State Legal Services Authority shall be distributed to the victim's/dependent's bank account directly, as the case may be, from the Arunachal Pradesh Victim Compensation Fund.
- (2) The amount of compensation so awarded shall be disbursed by the DLSA or SLSA, as the case may be, by depositing the same in a Nationalised Bank or in a scheduled commercial bank, in the single or joint account of the victim/dependent(s). In case the victim does not have any bank account, the DLSA concerned would facilitate opening of a bank account in the name of the victim and in the case the victim is a minor along with a guardian. In case the minor victim is in a child care institution, the bank account shall be opened with the Superintendent of the institution as Guardian.
- (3) In the case of a minor, 80% of the amount of compensation so awarded shall be deposited in the fixed deposit account and shall be withdrawn only on attainment of the age of majority, but not before three years of the deposit. Provided that in exceptional cases, amount may be withdrawn for educational or medical or other pressing and urgent needs of the beneficiary at the discretion of the DLSA/SLSA.

10. RECOVERY OF COMPENSATION AWARDED TO VICTIM OR HIS/HER DEPENDENTS :

- (1) Subject to the provisions of sub-section(3) of Section 396 of the BNSS Act,2023, the State Legal Services Authority, if deemed fit it, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or his/her dependent(s) from person(s) responsible for causing loss or injury as a result of the crime committed by him/her.
- (2) The amount so recovered shall be deposited in the Arunachal Pradesh Victim Compensation Fund and thereafter be paid to the victim or his dependents, as the case may be.

11. DEPENDENCY CERTIFICATE :

The authority empowered to issue the dependency certificate shall issue the same within a period of 15 (fifteen) days. In case of non-issuance of Dependency Certificate, after expiry of 15 (fifteen) days, SLSA/DLSA may proceed on the basis of an affidavit to be obtained from the claimant.

12. LIMITATION :

Under this scheme, no claims for compensation by the victim or his dependents shall be entertained by the District Legal Services Authority after the expiry of a period of 1 (one) year from the occurrence of the crime.

Provided that the DLSA or SLSA, as the case may be, may if satisfied, for reasons to be recorded in writing, condone the delay in biling the claim.

13. ORDER TO BE PLACED ON RECORD :

The State Legal Services Authority after the award of compensation shall cause to transmit a copy of such order to the trial court to enable such court to pass order of compensation under sub section (3) of Section 396 of the BNSS Act, 2023.

14. APPEAL:

Any victim aggrieved by the denial of recommendation of his case by the District Legal Services Authority may file an appeal before the State Legal services Authority within a period of 90 (ninety) days and the State Legal Services Authority may take up this case afresh and after taking into consideration all relevant information may decide the quantum of compensation.

Provided that the State Legal Services Authority, if satisfied, for the reasons to be recorded in writing may condone the delay in filing appeal.

15. REPEAL AND SAVINGS :

The Arunachal Pradesh Victim Compensation Scheme, 2011 hereby stands repealed from the date of notification of this Scheme in the Official Gazette. Notwithstanding such repeal, any order issued, action taken or anything whatsoever done under the provisions of the Scheme so repealed shall be deemed to have been made, issued, taken or done under the corresponding provisions of this Scheme.

SCHEDULE-I

S.No.	Particulars of Loss or Injury	Maximum Limit of Compensation
1.	Death due to Crime	₹ 5.00 Lakh
2.	Unnatural death in prisons, police custody & judicial custody	₹ 5.00 Lakh
3.	Victim of mob lynching/mob violence : (3.1) Loss of life due to lynching/ mob violence	₹ 5.00 Lakh
	(3.2) Bodily injury more than 50%	₹ 2.00 Lakh
	(3.3) Bodily injury less than 50%	₹ 1.00 Lakh
	(3.4) Psychological injury requiring rehabilitation	₹ 1.00 Lakh
4.	(4.1) Rape	₹ 5.00 Lakh
	(4.2) Rape and Death	₹ 7.00 Lakh
5.	Sexual Assault (excluding rape)	₹ 50.00 Thousand
6.	Acid Attack	₹ 3.00 Lakh
7.	Burns affecting greater than 25% of body (excluding acid attack)	₹ 2.00 Lakh
8.	Permanent disability (80% or more)	₹ 3.00 Lakh
9.	Partial disability (40% to 80%)	₹ 2.00 Lakh
10.	Loss of any limb or part of body resulting in below 40% disability	₹ 1.00 Lakh
11.	Grievous physical injury or any mental injury to women and child victims due to crime, requiring rehabilitation	₹ 1.00 Lakh
12.	Rehabilitation of victim of Human trafficking	₹ 1.00 Lakh
13.	Loss of foetus due to physical abuse	₹ 1.00 Lakh
14.	Physical abuse of minor	₹ 2.00 Lakh

N.B. : If the victim is less than 14 years of age, the compensation shall be increased by 50% over the amounts specified above.

Kaling Tayeng
Principal Secretary,
Government of Arunachal Pradesh,
Itanagar.

ANNEXURE-1

APPLICATION FORM FOR ASSISTANCE TO THE VICTIM OR THE DEPENDANT OF THE VICTIM OF THE CRIME UNDER SECTION 396 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023.
(see clause 5 (1))

PART-A**A. DETAILS OF THE VICTIM (TO BE FILLED IN BLOCK LETTERS):**

1. Name:
2. Age:
3. Sex:
4. Occupation:
5. Father's Name:
6. Mother's Name:
7. Husband/Wife Name(if any):
8. Address:
9. Identification Proof:

B. DETAILS OF FAMILY MEMBERS OF THE VICTIM:

S.No.	Name	Sex	Age	Father's Name/Husband's Name	Relationship with the Victim
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C. DETAILS OF THE BENEFICIARY(TO BE FILLED IN BLOCK LETTERS):

Name :
 Age :
 Sex :
 Occupation :
 Father's Name :
 Mother's Name :
 Husband's/Wife's Name(if any) :
 Address :
 Identification :
 Aadhaar Card :
 Mobile No. :
 Relationship with the Victim :
 Signature of the Applicant

FORWARDING

This is to certify that the(victim/ applicant/ dependent) is eligible to receive the compensation under the Arunachal Pradesh Victim Compensation Scheme, 2024.

Dated:

Place:

(Superintendent of Police/
Judicial Magistrate)

ANNEXURE-2

(See clause 5(1))

D. RECOMMENDATION OF THE _____ DISTRICT LEGAL SERVICES AUTHORITY

This is to certify that(name of the victim/dependent), aged.....years, male/female, resident of....., s/o,d/o,w/o,h/o..... is a victim of the Crime of(here specify the nature of crime and the result) under section/s..... and that(name of the victim/dependent)has been found eligible to receive compensation of ₹..... (Rupees.....) under the said Scheme and as such, this Authority recommends the same.

Documents required to be submitted by the claimant/applicant along with the application:

- (i) Police/FIR Report;
- (ii) Death Certificate (if applicable);
- (iii) Succession Certificate of the deceased victim (if applicable);
- (iv) Recommendation of the District Services Authority (by Chairman);
- (v) Declaration Certificate to the effect that no compensation has been received from any Government for the same;
- (vi) Declaration to the effect that the applicant is a legal guardian and the fund shall be used for the welfare of the child (in case of minor victim);
- (vii) Guardianship Certificate/order from competent authority (in case of orphan or no close blood relative to take charge of minor victim);
- (viii) Birth Certificate/age proof (in case of minor victim);
- (ix) Aadhaar Card of applicant;
- (x) SBI A/C No. of applicant;
- (xi) Charge sheet;
- (xii) Medical Report (if applicable).

NB:- Declaration in S.No.(v) and (vi) can be done in one affidavit.

Date:

Place:

(Signature of the Chairman)
District Legal Services Authority.